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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,755	10/24/2003	Mark Albert Feucht	VAS-4	2436
22827	7590	05/18/2006		
DORITY & MANNING, P.A. POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449			EXAMINER MANAF, ABDUL	
			ART UNIT 3635	PAPER NUMBER

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/693,755

Applicant(s)

FEUCHT ET AL.

Examiner

Abdul Manaf

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-17 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 and 18-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-17 is/are rejected.
- 7) ☒ Claim(s) 11 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ✓ 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ✓ 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04/28/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

The following office action is in response to the communication filed on April 10, 2006. Applicant has elected claims 9 – 17. Claims 9 – 17 are examined in this office action. Claims 9 – 17 are pending in this application. Claims 1 – 8 and 18 – 39 are withdrawn.

Claim Objections

Claim 11 is objected to because of the following informalities: “by crimping” in line 2, is a method used to have a folded portion; and in an article claim a final product is examined. Appropriate correction is required.

Claim 13 is objected to because of the following informalities: “crimping and adhesion” in line 2, are methods used to have an attachment and a folded portion; and in an article claim a final product is examined. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9 – 11, 15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by the U.S. Patent No. 6,202,373 to Lindgren.

In regard to claim 9, Lindgren discloses a skylight (Fig. 2) comprising a frame 1 defining an interior opening (see Marked Fig.), the frame having a

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plurality of elements 11, 22, 23, 28, 29, 31, 32 wherein the elements extending in a longitudinal direction; a flashing profile having a rigid section comprising a first and a second leg (see Marked Fig.), the first flashing leg carried by one of the elements of the frame (see Marked Fig.), the flashing profile having a flexible section attached to the second flashing leg of the rigid section (see Marked Fig.); a rigid flashing profile connected to one of the elements of the frame (see Marked Fig.); and wherein the flashing profile and the rigid flashing profile extend along the longitudinal lengths of two different elements of the frame (see Marked Fig.).

In regard to claim 10, Lindgren discloses a skylight with flashing profile, wherein the second flashing leg has a raised folded portion (see Marked Fig.) and wherein an end of the flexible section is attached (see Marked Fig.) to the raised folded portion and extends outwardly.

In regard to claim 11, Lindgren discloses a skylight with flashing profile, wherein the flexible section is attached to the crimp-folded portion.

In regard to claim 15, Lindgren discloses a skylight with flashing profile, wherein the raised folded portion, the first flashing leg and the second flashing leg define a drainage channel (see Marked Fig.).

In regard to claim 17, Lindgren discloses a skylight with flashing profile, wherein the frame defines a rectangular (Fig. 1) shaped opening and has a top element 5, a bottom element 7 and two side elements 6, and wherein the rigid flashing profile is connected to the top and bottom elements (see Marked Fig.).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 12, 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the U.S. Patent No. 6,202,373 to Lindgren.

In regard to claims 12 and 13, Lindgren discloses a skylight with flashing profile wherein the flexible section is attached to the crimp-folded portion; and wherein a frame having joints secured by an adhesive.

Lindgren does not disclose adhesive applied at the folded portion and flexible section.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use an adhesive for attaching the flexible portion to the folded portion in order to make the connection waterproof.

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In regard to claim 16, while Lindgren discloses a skylight with flashing profile, wherein the wall section 38 is a flexible section (acts as a hinge), he does not disclose a specific material for it.

It would have been a matter of design choice to one of ordinary skill in the art to have the flexible section made of one of the group claimed such as natural rubber for manufacturing and installation ease.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over the U.S. Patent No. 6,202,373 to Lindgren in view of the U.S. Patent NO. 4,344,257 to Anderson.

In regard to claim 14, Lindgren discloses a skylight with flashing profile having the raised folded portion is perpendicular with the first flashing leg (see Marked Fig.).

However, Lindgren does not disclose the end of the raised folded portion (crimped) being substantially perpendicular with the first flashing leg.

Anderson discloses a window frame comprising a flexible member positioned between both parallel sides of the frame wherein the parallel sides are completely crimped (column 4, lines 28-32) for a tighter waterproof sealing.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lindgren by crimping the folded portion completely in order to have a tighter waterproofing. The end of the completely crimped raised folded portion then will be perpendicular with the first flashing leg.

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Contact Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdul Manaf whose telephone number is 571-272-1476. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AM AM.

05/10/2006


ABDUL MANAF
EXAMINER Art 3635

